

ORDINANCE NO. 224

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH AS HERETOFORE AMENDED SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM A "R-5" SINGLE FAMILY DWELLING DISTRICT CLASSIFICATION TO A "R-5" SINGLE FAMILY DWELLING CLASSIFICATION WITH A SPECIAL PERMIT FOR "MEDICAL OFFICES AND CLINIC", SAID TRACT BEING DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND OUT OF THE JOHN NIX SURVEY, ABSTRACT NO. 1088, DESCRIBED AS THAT CERTAIN TRACT BEGINNING AT A POINT IN THE NORTH LINE OF VALWOOD PARKWAY, 500 FEET EAST OF THE INTERSECTION OF VALWOOD PARKWAY AND JOSEY LANE; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTH LINE OF VALWOOD PARKWAY A DISTANCE OF 400 FEET TO A POINT; THENCE IN A NORTHERLY DIRECTION AND AT RIGHT ANGLES TO VALWOOD PARKWAY, A DISTANCE OF 325 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF A DEDICATED DRAINAGE DITCH; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID DRAINAGE DITCH A DISTANCE OF 400 FEET TO A POINT FOR CORNER; THENCE IN A SOUTHERLY DIRECTION AND PARALLEL TO JOSEY LANE, A DISTANCE OF 325 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, AND CONTAINING 2.9 ACRES, MORE OR LESS; THAT SUCH PROPERTY IS TO BE USED FOR EITHER "R-5" SINGLE FAMILY DWELLING DISTRICT PURPOSES, OR UNDER A SPECIAL PERMIT FOR MEDICAL OFFICE AND CLINIC; SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY ESTABLISHED THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR, WHICH SHALL BE APPROVED BY THE CITY PLANNING COMMISSION, AND SUBJECT TO THE CONDITIONS CONTAINED HEREIN; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Farmers Branch and the Governing Body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers

Branch and the state law with reference to the granting of special permits under the zoning ordinance regulations and zoning map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to the persons interested and situated in the affected area and in the vicinity thereof, the Governing Body of the City of Farmers Branch is of the opinion that special permit should be granted, subject to the conditions set out herein; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas be, and the same is hereby, amended by amending the zoning map of the City of Farmers Branch so as to change the following described property from an "R-5" Single Family Dwelling District Classification to an "R-5" Single Family Dwelling District Classification with a special permit for medical offices and clinic under special permit, as provided for under the provisions of Article XIV of the Comprehensive Zoning Ordinance, as heretofore amended, subject to special conditions contained herein. That the property to be covered by such special permit is described as follows, to-wit:

Being a tract of land out of the John Nix Survey, Abstract No. 1088, described as that certain tract,

BEGINNING at a point in the North line of Valwood Parkway, 500 feet east of the intersection of Valwood Parkway and Josey Lane;

THENCE in an Easterly direction along the North Line of Valwood Parkway a distance of 400 feet to a point;

THENCE in a Northerly direction and at right angles to Valwood Parkway, a distance of 325 feet, more or less, to a point in the South line of a dedicated drainage ditch;

THENCE in a westerly direction along the South line of said drainage ditch a distance of 400 feet to a point for corner;

THENCE in a Southerly direction and parallel to Josey Lane, a distance of 325 feet, more or less, to the place of beginning, and containing 2.9 acres, more or less.

SECTION 2. That the special permit for medical offices and clinic with reference to the hereinabove described property is granted upon the following express conditions, and in accordance with Article XIV of the Comprehensive Zoning Ordinance, to-wit:

(1) That the development shall be generally in conformance with the approved site plan attached to the ordinance and made a part thereof.

(2) That the 45 foot front building lines shown on the approved plat shall be observed, and that no parking, unloading or loading, or service area shall be allowed within the required front yard.

(3) That a brick wall three feet in height and eight inches in width shall be constructed in accordance with the approved site plan for the screening of the parking area, and that the area in front of the wall shall be attractively landscaped and maintained.

(4) That off-street parking shall be provided for at the minimum ratio of one parking space for each two hundred fifty square feet of floor area within the building. Provisions shall be made for the chaining or closing of entrances to the parking area in the event that this parking area is used as a substitute parking lot for the adjoining church in lieu of the said church making provisions for its own parking area. The parking area of the clinic can be used as an auxiliary parking area by the church, if agreeable to the owners of said clinic, and if the church has provided other parking on its own tract of land.

(5) That all means of ingress and egress to the said property shall be approved by the City Planning Commission.

(6) That the architecture of the proposed building shall be in conformance with the prospective drawing submitted with the application, and the architecture shall be of a character so as to harmoniously blend with the adjoining existing and planned improvements. The roof material shall be of white crushed marble

and the exterior wall of Roman brick, as represented to the City Planning Commission.

(7) That the clinic use intended for this property does not and will not permit the sale of pharmaceutical products or drugs, nor for the maintenance of facilities for over-night or bed patients and hospital and pharmaceutical use is specially prohibited.

(8) That a sign with a maximum area of 12 square feet shall be permitted within the required front yard area, but shall not be illuminated nor have flashing or intermittently lighted features connected therewith.

(9) That requirements pertaining to the treatment of the area adjacent to the open ditch adjoining the property shall be withheld until such time as recommendations are made by the City Engineer on the drainage aspects and requirements of the development, and the recommendations as to the standard to be followed to avoid erosion and washout or other damages which may be caused by water in the ditch.

(10) That all drainage structures, parking areas and service drives shall be improved and installed in accordance with applicable city codes and standards, and the developer shall bear the total cost of any such improvements.

SECTION 3. That the site plan, when approved by the City Planning Commission and the City Council, shall become a part of this ordinance for all purposes. A true copy of the site plan shall be retained in the office of the City Secretary and in the office of the City Manager for observance in connection with these improvements.

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That the above described tract of land shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore amended and as amended herein by the granting of this special permit for medical offices and clinic.

SECTION 6. That should any section, paragraph, subdivision, clause, phrase or provision of this ordinance be adjudged in violation or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the parts so decided to be invalid or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. Whereas it appears that the above described property requires that it be given the zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED on the 7 day of March, 1960.

APPROVED:

Larson Lewis
MAYOR

ATTEST:

Dorthanna Williams
CITY SECRETARY

APPROVED AS TO FORM:

H. Louis Nichols
ATTORNEY